

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 7: Administrative Office of the Court Programs**  
**Chapter 1: Dependent Children's Services**  
**Section 7-101: Court Appointed Special Advocate Program**

**A. Definitions.** In this section, the following definitions apply:

“Administrative director” means the administrative director of the Administrative Office of the Courts and the director’s designee.

“Assigned judge” means the judge who hears a particular dependency case to which a Court Appointed Special Advocate (CASA) volunteer is appointed.

“CASA coordinator” means the position that supervises CASA volunteers in the county program.

“CASA volunteer” means the individual volunteer, certified pursuant to this Arizona Code of Judicial Administration (ACJA) § 7-101, and appointed by the presiding judge of the juvenile court, or another judge, with the approval of the presiding judge.

“Child welfare agency” or “agency”:

- (a) Means:
  - (i) Any agency or institution that is maintained by a person, firm, corporation, association or organization to receive children for care and maintenance or for twenty-four hour social, emotional or educational supervised care or who have been adjudicated as a delinquent or dependent child.
  - (ii) Any institution that provides care for unmarried mothers and their children.
  - (iii) Any agency maintained by this state, a political subdivision of this state or a person, firm, corporation, association or organization to place children or unmarried mothers in a foster home.
- (b) Does not include state operated institutions or facilities, detention facilities for children established by law, health care institutions that are licensed by the department of health services pursuant to title 36, chapter 4 or private agencies that exclusively provide children with social enrichment or recreational opportunities that do not use restrictive behavior management techniques.

as provided in A.R.S. § 8-501(2).

“Complaint” means a written statement regarding a volunteer alleging behavior that if substantiated would amount to a violation of statute, regulations, court rules or ACJA § 7-101.

“County program staff” means all CASA coordinators, county support staff, and any other individuals who are assigned to work within the CASA program.

“Division director” means the director of the Dependent Children’s Services Division of the AOC or the division director’s designee.

“*In camera inspection*” means a judge’s inspection of a document which is the subject of a request for disclosure before ruling on its release.

“Lawfully admitted for permanent residence” means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed, as provided in 8 U.S.C.A. §1101(20).

“Manager” means the program manager of the CASA program administered by the Administrative Office of the Courts.

“Presiding juvenile judge” means the presiding judge of the juvenile court in each county.

“State CASA office” means the office responsible to administer the CASA program statewide.

“Subpoena” means a court order compelling a person or representative of an organization to testify and/or produce records on a certain date at a certain place.

## **B. Applicability.**

1. Pursuant to A.R.S. § 8-523(A), “The court appointed special advocate program is established in the administrative office of the supreme court. The program shall establish local special advocate programs in each county. The supreme court shall adopt rules prescribing the establishment of local programs and the minimum performance standards of these programs.”
2. Pursuant to A.R.S. § 8-522(B) “The supreme court shall certify special advocates pursuant to rules adopted by the court. Court rules for certification shall include compliance with qualification standards prescribed by the court.”

**C. Purpose.** The purpose of the CASA program is to administer and provide oversight to a community-based volunteer advocacy program in the juvenile court for abused and neglected children.

## **D. General Administration.**

1. Pursuant to A.R.S. § 8-522, the supreme court shall administer the CASA program.
2. Pursuant to A.R.S. § 8-523(B) “The supreme court shall employ administrative and other personnel it determines are necessary to properly administer the program and to monitor local program performance.” At a minimum, the monitoring shall take place through an operational review and shall assess each program’s compliance with:

- a. Arizona statutes, Rules of Procedure for the Juvenile Court, administrative orders, ACJA § 7-101, other applicable ACJA sections, and program policies and procedures; and
  - b. Case and volunteer file standards.
3. The administrative director is authorized to adopt, by administrative directive, CASA program policies and any amendments to the policies.
4. Under the supervision of the Administrative Director, the division director shall prepare fiscal projections, create a budget, allocate and expend funds for administrative costs and projects associated with the CASA program.
5. The division director shall appoint a manager. The manager shall oversee the implementation and administration of the CASA program which includes the daily management and supervision of state CASA office staff. The manager shall oversee the development and maintenance of all program performance criteria to include policies, procedures, recommended job descriptions, manuals, and other necessary materials.
6. The manager shall oversee training for all staff to include state CASA program staff, county program staff, and volunteers.
7. The state CASA office shall facilitate the fingerprint process through the Department of Public Safety (DPS), pursuant to A.R.S. § 8-522(B) and as prescribed in policy.
8. The state CASA office shall obtain, review, and advise the county program office regarding the results of all applicant Department of Motor Vehicle (MVD) record information pursuant to A.R.S. § 8-522(B) and as prescribed in policy.
9. The state CASA office shall obtain, review, and advise the county program office regarding the results obtained on the review of the Department of Child Safety (DCS) central registry pursuant to A.R.S. § 8-522(B) and as prescribed in policy.
10. The state CASA office shall maintain a central list of all certified volunteers and issue them identification badges.
11. The state and county program staff shall not solicit donations.
12. All state office and county program staff and volunteers shall comply with applicable statutes including, but not limited, to A.R.S. § 8-807, § 41-1959, Arizona Rules of Court, including, but not limited to Rule 123, Rules of the Supreme Court, Rules of Procedure for the Juvenile Court, ACJA § 7-101, other applicable ACJA sections, and administrative rules regarding confidentiality.

**E. Budget Request Preparation.** A.R.S. § 8-524(B) provides: “A court may request fund monies by submitting a program plan and funding request to the supreme court pursuant to rules adopted by the court.” The presiding judge or designee shall submit in writing to the director or designee a budget request and program plan to establish and maintain a county program. The manager shall annually supply each presiding judge or designee a funding request form and other required forms together with instructions for applying for funds appropriated to the supreme court pursuant to A.R.S. § 8-524. To the extent funds are available, the director shall allocate funds “to operate, improve, maintain and enhance the program”, pursuant to A.R.S. § 8-524(A).

**F. Program Plan and Financial Management.**

1. The county program shall:
  - a. Adhere to the funding agreement issued upon approval of the plan submitted pursuant to A.R.S. § 8-524(B).
  - b. The administrative director may re-allocate funds during the year based on the documented need, current use of funds and approved plan for budget modifications.
2. The county program staff shall enter all required statistical information on cases and volunteers into a statewide database approved by the administrative director, on at least a monthly basis. The AOC will specify required statistics for reporting.
3. Pursuant to A.R.S. § 8-522(D) “A special advocate serves without compensation but is entitled to reimbursement of expenses pursuant to guidelines prescribed by the supreme court by rule.” The CASA coordinator shall reimburse volunteers for per diem and mileage costs for attending the mandatory pre-service training, to the extent funds are available and according to state travel policies. The CASA coordinator may authorize reimbursement for volunteer training and extraordinary travel expenditures if funds are available, and according to state travel policies.

**G. County Program Operations.**

1. The presiding juvenile judge, or another judge, with the approval of the presiding judge, shall have authority over the local CASA program in each county. The CASA county program staff shall report to the presiding judge of the juvenile court, or another judge, with the approval of the presiding judge.
  - a. All county program staff and volunteers shall comply with this code, ACJA §1-303: Code of Conduct for Judicial Employees, and other applicable code sections and the program policies. All county program staff and volunteers shall avoid any action which could adversely affect the confidence of the public in the integrity of the CASA program. They shall not conduct themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice.

- b. All county program staff and volunteers shall receive a copy of this code, ACJA § 1-303: Code of Conduct for Judicial Employees, and CASA program policies. Each county program staff and volunteer shall sign and date an acknowledgement of receipt and agreement to comply with these documents. The signed acknowledgement shall be placed in the staff member or volunteer's file.
2. Each case shall be screened following a procedure approved by the presiding juvenile judge, or another judge, with the approval of the presiding judge.
3. Pursuant to Rules of Procedure for Juvenile Court, Rule 3, "The court may appoint a volunteer special advocate in dependency, guardianship, termination, delinquency and incorrigibility actions, to assist and advocate for the child, to assure that all appropriate services are made available to the child and otherwise to protect the best interests of the child in the action."
4. The county program shall make effective matches of volunteers to cases and shall give priority to appointment of volunteers in dependency matters over delinquency or incorrigibility matters.
5. The CASA coordinator shall not assign a volunteer more than two cases at one time. The CASA coordinator may make and document an exception for good cause. Under the exception, a CASA coordinator shall not assign a volunteer to more than five cases at one time.
6. A.R.S. § 8-522(F) provides:

A special advocate shall have access to all documents and information regarding the child and the child's family without obtaining prior approval of the child, the child's family or the court. All records and information the special advocate acquires, reviews or provides may only be disclosed as provided in section 41-1959.
7. An outside individual or agency (for example: DCS, attorneys, private parties, law enforcement, etc.) shall not review any volunteer or CASA case files unless a subpoena is served and an order of the presiding juvenile judge, or another judge, with the approval of the presiding judge, has been issued, pursuant to A.R.S. § 8-522(F).
8. The CASA volunteer shall not testify in a deposition, hearing or trial regarding information obtained in the course of their appointment unless a subpoena is served, and a court order is issued. Upon receipt of a subpoena for records, the CASA coordinator or designee shall deliver a complete duplicate of any documents related to the subpoena and kept by the CASA volunteer to the presiding juvenile judge, or another judge, with the approval of the presiding judge, for *in camera inspection*. The CASA coordinator shall not permit a file to be viewed without an order.

9. If a CASA volunteer testifies at a deposition, hearing, or trial before a judge and uses contact logs or any portion of the volunteer's file that have been the subject of a subpoena, any disclosure to the parties shall be ordered by the court.
10. The CASA coordinator shall ensure the following incidents are reported to the appropriate authorities:
  - a. If the CASA coordinator is notified by a volunteer who reasonably believes that a child is in imminent danger or is, or has been the victim of physical injury, abuse, a reportable offense or neglect.
  - b. The CASA coordinator is notified that there is an allegation of abuse or neglect against a volunteer.
11. The CASA coordinator shall make every reasonable effort to ensure that upon voluntary or involuntarily leaving the program, volunteers return identification badges and all case related materials.
12. The CASA coordinator shall not accept appointment as a CASA volunteer.
13. If a volunteer has a record of conviction of a violation A.R.S. §§ 28-1381, 28-1382, or 28-1383 [driving under the influence (DUI)] the county program shall prohibit the volunteer from driving any vehicle to transport children, staff, or any other individuals in the course and scope of CASA duties for a period of no less than five (5) years from the date of the conviction.
14. All county program staff shall immediately notify the CASA coordinator, county program manager, or supervisor and volunteers shall immediately notify the CASA coordinator if:
  - a. They are the subject of an allegation or investigation in any criminal matter;
  - b. They have been arrested or charged in any criminal matter;
  - c. It is alleged in a civil, probate, domestic relations, or dependency matter or other court case that they have sexually assaulted, exploited, or physically abused any child or vulnerable adult;
  - d. They have been found in any professional licensing disciplinary board's final decision to have sexually or physically abused or exploited any minor, developmentally disabled person, or vulnerable adult;
  - e. They have engaged in an act listed in (I)(2)(a)-(e);
  - f. They are currently awaiting trial for criminal offenses listed in ACJA § 7-101 (I)(1)(d)(e)

and (f) and (I)(2)(b)(c) and (e) of this code in this state or in another state or jurisdiction; and, or

- g. They have engaged in any behavior listed in ACJA § 7-101 (I)(1)(g)(h)(i)(j) and (k) of this code.

15. Either the CASA coordinator, county program manager, or supervisor shall immediately notify the state CASA office manager if:

- a. They are the subject of any action listed in 14 (a-g) above; and, or
- b. County program staff or volunteers have reported to the CASA coordinator county program manager, or supervisor that they are the subject of an action listed in 14 (a-g) above.

16. County program staff using county computers shall adhere to the ACJA § 1-503; Electronic Communications.

17. Access to records of applicants and volunteers. Unless otherwise provided by law, the following shall apply to applicant and volunteer records:

- a. Program records regarding applicants and volunteers shall not be open to applicants, volunteers, or the public. This includes, but is not limited to, the application, polygraph examination, interview notes, criminal history record information, DCS central registry information check, personal references, and MVD record check.
- b. Upon request, the county program shall provide an applicant or volunteer with a copy of the applicant's or volunteer's individual application. Notes and work, product of county staff are confidential and shall not be provided.

18. The CASA coordinator is responsible for discussing and reviewing the court report with the volunteer, prior to the county program staff submitting the report to the court.

19. The CASA coordinator must not alter court reports without the consent of the volunteer.

20. CASA Court Reports shall contain the following language as it appears here:

**“THIS DOCUMENT IS DISCLOSED PURSUANT TO RULE 44(A)(3), RULES OF PROCEDURE OF THE JUVENILE COURT, AND IS OTHERWISE CONFIDENTIAL PURSUANT TO A.R.S. § 8-522(F), RULE 47(A), RULES OF PROCEDURE OF THE JUVENILE COURT, AND ACJA § 7-101(G). THIS DOCUMENT CANNOT BE DISCLOSED EXCEPT UPON ORDER OF THE COURT OR AS OTHERWISE PROVIDED BY LAW.”**

## **H. Initial Certification and Application Process.**

1. Qualifications of the Volunteer. A volunteer shall meet the following qualifications:
  - a. U.S. citizen or lawfully admitted for permanent residence;
  - b. Not employed by DCS, the juvenile court, or child welfare agencies, unless specifically authorized by the presiding judge of the juvenile court, or another judge, with the approval of the presiding judge; and
  - c. At least twenty-one years of age.
2. Volunteer Application Process. A volunteer shall complete the following application process within one hundred and twenty (120) days of the application date unless a good cause extension is obtained from the CASA coordinator and is documented in the volunteer file:
  - a. Complete an application;
  - b. Authorize the CASA program to secure a criminal history record check, MVD record check, and DCS Central Registry information check as permitted by state and federal laws;
  - c. Provide the program with a readable fingerprint card;
  - d. In the event definitive fingerprints are not obtainable, the county program shall require the applicant to make a written statement, under oath, that the applicant has not been arrested, charged, indicted, convicted of or plead guilty to any felony or misdemeanor, other than as disclosed on the application, through the interview process, or polygraph exam. The CASA coordinator has the option to recommend that certification of a volunteer be granted or denied, even if this statement is provided;
  - e. Complete a personal interview with the CASA coordinator;
  - f. Provide three non-relative personal references;
  - g. Complete a polygraph examination;
  - h. Sign and date an acknowledgement indicating the volunteer has read, and will abide by the statutes, Arizona Rules of Court, this code, the Code of Conduct for Judicial Employees, administrative orders, and policies and procedures of the CASA program; and
  - i. Attend 30 hours of pre-service advocacy training as established by the AOC.



3. The CASA program shall deny the applicant if the applicant refuses to authorize a release of information to complete background checks.
4. Notification of Certification. The county program staff shall promptly notify the applicant accepted for certification.
5. Volunteers who have been certified to enter the program and who intend to transport children shall:
  - a. Sign a statement of intent to transport children;
  - b. At all times maintain current automobile insurance coverage as required by Arizona law and provide proof of insurance annually to the county program office;
  - c. Ensure their automobile insurance carrier is kept apprised that they will be transporting children in the course of their CASA volunteer duty;
  - d. Obtain permission of the child's legal guardian, custodial guardian, or placement; and
  - e. Be informed of the potential personal risk of liability.

#### **I. Denial of Certification.**

1. The CASA coordinator shall deny certification if any of the following conditions exist:
  - a. The applicant has not completed any aspect of the application process.
  - b. The applicant has not completed the application process, including pre-service training, within one hundred twenty (120) days and has not been granted good cause extension by the CASA coordinator.
  - c. The applicant materially misrepresented facts or committed fraud in the application process.
  - d. The applicant is awaiting trial for criminal offenses in this state, or another state or jurisdiction or has been convicted of any of the following criminal offenses, or similar offenses in this state, another state or jurisdiction:
    - (1) Sexual abuse of a minor
    - (2) Incest
    - (3) First or second degree murder
    - (4) Kidnapping
    - (5) Arson
    - (6) Sexual assault

- (7) Sexual exploitation of a minor
  - (8) Contributing to the delinquency of a minor
  - (9) Commercial sexual exploitation of a minor
  - (10) Felony offenses involving, distribution of marijuana, dangerous drugs or narcotic drugs
  - (11) Burglary
  - (12) Robbery
  - (13) A dangerous crime against children pursuant to § 13-705
  - (14) Child abuse
  - (15) Sexual conduct with a minor
  - (16) Molestation of a child
- e. The applicant has charges pending in this state or another state or jurisdiction for a felony or misdemeanor involving a sex offense, child abuse or neglect, or related acts that would pose risks to children.
  - f. The applicant has been convicted of a felony or misdemeanor, in this state or another state or jurisdiction, involving a sex offense, child abuse, neglect, related acts or any other crimes against children.
  - g. The applicant is the subject of allegations in a civil, probate, domestic relations, or dependency complaint in this state or another state or jurisdiction, or has been found in any civil probate, domestic relations, dependency or other court matter to have:
    - (1) Sexually abused or assaulted;
    - (2) Physically abused or assaulted; or
    - (3) Financially exploited any person.
  - h. The applicant has been found in any professional licensing disciplinary board's final decision to have:
    - (1) Sexually abused or assaulted;
    - (2) Physically abused or assaulted; or
    - (3) Financially exploited any person.
  - i. The applicant is currently using or has used within the past two (2) years any non-prescribed controlled substances and/or illegal drugs, including the illegal use marijuana.
  - j. The applicant is the parent or guardian of a child currently in the dependency process or adjudicated to be dependent.
  - k. The applicant has a record in the DCS central registry of substantiated acts of abuse or neglect.

2. The CASA coordinator may deny or recommend denial of certification if one or more of the following is found:
  - a. The applicant has a record of any act constituting dishonesty or fraud;
  - b. The applicant has pending criminal felony charges in this state or another state or jurisdiction or has a record of conviction by final judgment of any felony not listed in I(1)(e);
  - c. The applicant has pending charges in this state or another state or jurisdiction for a criminal offense or has a record of conviction by final judgment of a misdemeanor involving moral turpitude or having a reasonable relationship to the duties of a CASA;
  - d. The applicant has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, or conversion;
  - c. The applicant has pending charges or has been convicted in this state or another state or jurisdiction related to driving under the influence in violation of A.R.S. § 28-1381, § 28-1382, § 28-1383; and,
  - f. In determining whether to allow an applicant with the conduct or record of convictions listed in subsections (I)(2)(a-e) above to be certified, the CASA coordinator shall consider the following:
    - (1) The extent of the person's criminal or conduct record;
    - (2) The length of time that has elapsed since the offense or conduct was committed;
    - (3) The nature of the offense or conduct;
    - (4) Any applicable mitigating circumstances;
    - (5) The degree to which the person participated in the offense or conduct;
    - (6) The extent of the person's rehabilitation, including:
      - (a) Completion of probation, parole or community supervision;
      - (b) Whether the person paid restitution or other compensation for the offense or conduct;
      - (c) Evidence of positive action to change the conduct or criminal behavior, such as completion of a drug treatment program or counseling; and
      - (d) Personal references attesting to the person's rehabilitation.
3. Notification of Denial.
  - a. The CASA coordinator shall promptly notify the applicant denied certification. The CASA coordinator shall notify applicants of the general reasons regarding a denial without providing specific information.
  - b. The applicant shall be advised that if the volunteer application is denied, the applicant,

upon request, may have the decision reviewed by the presiding judge of the juvenile court, or another judge, with the approval of the presiding judge.

**J. Volunteer Status.**

1. A volunteer serves at the pleasure of the court. The court may terminate the services of a volunteer without cause.
2. The CASA coordinator shall address any volunteer's failure to adhere to the minimum performance standards of the CASA program. The CASA coordinator shall make recommendations to the presiding judge of the juvenile court, or another judge, with the approval of the presiding judge, regarding limitations on types of cases assigned to the volunteer, suspension or termination.
3. A volunteer shall have access to documents and information pursuant to A.R.S. § 8-522(F) as described in subsection G(6) of this code.
4. A.R.S. § 8-522(G) provides for notice to the CASA volunteer as follows: "The special advocate shall receive notice of all hearings, staffing, investigations and other matters concerning the child. The special advocate shall have a right to participate in the formulation of any agreement, stipulation or case plan entered into regarding the child."
5. A.R.S. § 8-522(H) provides: "A special advocate is immune from civil or criminal liability for the advocate's acts or omissions in connection with the authorized responsibilities the special advocate performs in good faith."
6. A volunteer shall be on active status if the volunteer is appointed to a dependency or juvenile probation case.
7. A volunteer shall be on active unassigned status if the volunteer is:
  - a. Pending a case assignment; or
  - b. Serving as a mentor or peer coordinator to other volunteers.
8. A volunteer shall: be on administrative unassigned status if the volunteer is involved in the administrative aspect of the county program office.
9. Volunteers who are on active unassigned or administrative unassigned status shall provide a minimum of three hours per month in organized program activities and shall document those activities monthly.
10. A volunteer may be placed on inactive status if all of the following conditions are met:

- a. Approved by the CASA coordinator, for no longer than six (6) months;
- b. Not currently appointed to a dependency or juvenile probation case;
- c. Not on active unassigned or administrative unassigned status pursuant to J(7) and (8).

**K. Volunteer Minimum Performance Standards.**

- 1. The volunteer shall adhere to the following performance requirements:

- a. A.R.S. § 8-522(E) provides:

A special advocate shall:

- 1. Meet with the child.
    - 2. Advocate for the child's safety as the first priority.
    - 3. Gather and provide independent, factual information to aid the court in making its decision regarding what is in the child's best interest and in determining if reasonable efforts have been made to prevent removal of the child from the child's home or to reunite the child with the child's family.
    - 4. Provide advocacy to ensure that appropriate case planning and services are provided for the child.
    - 5. Perform other duties prescribed by the supreme court by rule.

- b. Disclose to the CASA coordinator or court, before appointment:

- (1) Any pre-existing relationship with a child or the child's family; or
    - (2) Any relation to any parties in the case; or
    - (3) Any employment or affiliation at any agency that might result in a conflict of interest.

- c. Accept appointments in dependency, guardianship, termination, delinquency, or incorrigibility actions pursuant to Rule 3, Rules of Procedure for the Juvenile Court and A.R.S. § 8-522(A).
  - d. Accept appointment as guardian ad litem pursuant to A.R.S. § 8-221(I) and Rule 40, Rules of Procedure for the Juvenile Court and A.R.S. § 8-522(A).
  - e. Comply with applicable statutes, including but not limited to, A.R.S. § 8-807, § 41-1959, Arizona Rules of Court, including, but not limited to Rule 123, Rules of the

Supreme Court, Rules of Procedure for the Juvenile Court, administrative rules regarding confidentiality, ACJA 1-303; Code of Conduct for judicial employees, administrative orders, rules, this code, and program policies and procedures.

- f. Serve and respond to requests without bias of race, religion, sex, age, national origin, or physical impairment.
- g. Use public resources, property, and funds under the volunteer's control responsibly and for the purpose intended by law and not for any private use.
- h. Consult with the CASA coordinator to address any ethical issues that arise.
- i. Perform authorized functions in a professional and impartial manner.
- j. Provide a written report, previously discussed and reviewed with the CASA coordinator, prior to every hearing in a format and manner outlined in CASA program policies.
- k. Attend all court hearings pertaining to the appointed case and provide information orally to the court when requested. The volunteer shall also provide sworn testimony to the court if subpoenaed as a witness or ordered by the court.
- l. Meet in-person with the child once every (30) days at a minimum. An exception may be granted at the discretion of county program coordinator.
- m. Monitor the child's placement and observe the child's behavior in the placement to assess the child's needs and identify any problems discovered in a written report to the court.
- n. Inform the CASA coordinator promptly of urgent developments in the case so that the CASA coordinator staff can notify the court through appropriate means.
- o. Consult at least monthly with the CASA coordinator in case/program discussion and document the discussion in the contact log.
- p. Maintain an accurate and complete contact log on the case and provide the documentation on at least a monthly basis to the county program office.
- q. Comply with the required in-service training each calendar year.
- r. Return case files to the program after the case is closed.
- s. Sign and date an acknowledgement of receipt and agreement to comply with this code and CASA program policies and operational procedures. The signed acknowledgement shall be placed in the volunteer's file.

- t. The volunteer who reasonably believes that a child is in imminent danger or is, or has been, the victim of physical injury, abuse, a reportable offense or neglect should report these observations to the appropriate authorities and inform the CASA coordinator.
  - u. Inform the CASA Coordinator promptly, if the volunteer has been arrested, charged, indicted, convicted of, or pled guilty to any misdemeanor or felony since the applicant's last certification.
2. The volunteer shall not:
- a. Be appointed to a case where the volunteer is related to any parties involved in the case.
  - b. Engage in the following activities:
    - (1) Give legal or medical advice:
    - (2) Provide therapeutic counseling:
    - (3) Provide health care services:
    - (4) Make placement arrangements for the child:
    - (5) Give expensive or excessive gifts to the child, the child's family or caregiver. The volunteer must consult with the CASA coordinator to define the value of a gift in the context of this code.
    - (6) Take the appointed child to any home other than the child's placement without notifying the CASA coordinator, and without receiving prior approval from the DCS supervisor or DCS case manager.
    - (7) Take the appointed child to the volunteer's home or permit the child to stay overnight with the volunteer, without receiving prior approval of the DCS supervisor, DCS case manager, CASA coordinator and a specific order from the court.
    - (8) Take the appointed child to isolated places involving only the CASA volunteer and the child; and
    - (9) Perform home studies for out-of-state or in-state agencies.
  - c. Transmit confidential information via home computers unless transmission is through the administrative office of the courts' secure web server or a secure web server provided by the county and approved by the administrative director.
  - d. Request or accept any fee or compensation in the course of CASA volunteer service.
  - e. Use or attempt to use the volunteer's official position to secure unwarranted privileges or exemptions.
  - f. Testify in a deposition, hearing or trial regarding information obtained in the course of their appointment unless a subpoena is served and a court order is issued.
3. A volunteer shall meet the following requirements for certification renewal:

- a. All volunteers must renew their certification every four years.
  - b. CASA coordinators shall ensure that a new criminal history background check is completed no earlier than three months prior to the expiration of a volunteer's first four years of service. The years of service shall be calculated from the date of initial certification. This renewal process shall continue every four years thereafter.
  - c. Volunteers shall submit a current authorization for the CASA program to secure a criminal history records check, MVD records check, and DCS central registry information check as permitted by state and federal laws.
  - d. The CASA coordinator may recertify a volunteer based on compliance with these requirements and based on the volunteer's continued ability to meet the initial certification requirements.
4. The certification reinstatement process is only available to an applicant who has left the program for less than one year and is eligible for return. In order to obtain certification reinstatement the applicant shall submit a signed statement under oath that the applicant has not been arrested, charged, indicted, convicted of, or pled guilty to, any misdemeanor or felony since the applicant's last certification. The CASA coordinator may reinstate the volunteer's certification based on compliance with these requirements.

#### **L. Complaints, Discipline, and Dismissal of Volunteers**

1. The presiding juvenile judge, or another judge, with the approval of the presiding judge, shall designate a person to be responsible for receiving, investigating, and processing complaints against CASA volunteers. This person shall be referred to as the Designated CASA Investigator (DCI). While processing the complaint, the DCI shall conform to all requirements set forth in this code and the CASA Policies and Procedures Manual.
2. A complaint shall be in writing with sufficient specificity to warrant further investigation. The name and telephone number of the complainant shall also be provided.
3. All judicial officers and state and county program staff shall, and any person may, notify the DCI if it appears that a volunteer has violated Arizona statutes, Rules of Court, including Rules of Procedure of the Juvenile Court, this code, administrative orders, rules or program policies.
4. While an investigation is pending, the DCI may seek a temporary order from the assigned judge, suspending the volunteer from duties as a CASA in the appointed case or cases. Volunteers who are suspended may not be appointed to another case or volunteer in another capacity under this code until resolution of the complaint. The DCI shall seek immediate suspension of a volunteer under the following circumstances:



- a. An allegation of child abuse and neglect against the volunteer.
  - b. Any allegation of conduct that would be grounds for mandatory or discretionary denial of certification.
5. Upon review of all evidence, the DCI shall make a report and recommendation to the presiding juvenile judge, or another judge, with the approval of the presiding judge, for resolution of the complaint. The presiding juvenile judge, or another judge, with the approval of the presiding judge, shall take action up to and including dismissal from the program and notify the DCI.
6. The CASA coordinator, or designee, shall document any complaints and resolutions in the volunteer file and take action necessary to follow up on the resolution. Information and documentation shall be confidential and available only for use in considering the volunteer's continuing certification as a CASA volunteer.
7. CASA volunteers serve at the pleasure of the presiding juvenile judge, or another judge, with the approval of the presiding judge. Particular actions may require immediate termination or dismissal by the presiding juvenile judge, or another judge, with the approval of the presiding judge. Such actions include but are not limited to:
  - a. Taking action that endangers the child or is outside the role of the statutory authority of the CASA program.
  - b. Failing to adhere to the Arizona statutes, Arizona Rules of Court including the Rules of Procedure of the Juvenile Court, ACJA, administrative orders, rules and program policies;
  - c. Failing to demonstrate an ability to effectively carry out assigned duties;
  - d. Falsifying the application or misrepresenting facts during the screening process;
  - e. A finding against the volunteer of child abuse or neglect by a court order or any authorized governmental agency;
  - f. Existing conflict of interest which cannot be resolved;
  - g. Allowing the appointed child to visit the volunteer's home or stay overnight with the volunteer unless specifically ordered by the court;
  - h. Any action that would have required initial denial of certification as a CASA volunteer;
  - i. Exhibiting substance-induced impaired behavior while performing CASA duties; and

- j. Using illegal drugs or alcohol while performing CASA duties.
- 8. A CASA volunteer shall be suspended immediately under the following circumstances;
  - a. An allegation of child abuse and neglect against the volunteer; or
  - b. An allegation of any conduct that would be grounds for mandatory or discretionary denial of certification.
- 9. A volunteer shall be dismissed immediately if there has been a judicial or administrative determination of abuse or neglect against the volunteer.
- 10. A volunteer shall be dismissed immediately if the volunteer uses illegal drugs or alcohol while performing CASA duties, or exhibits substance-induced impaired behavior while performing CASA duties.

*Adopted by Administrative Order 2000-85 effective November 28, 2000. Amended by Administrative Order 2001-108 effective October 31, 2001. Amended by Administrative Order 2005-13 effective February 3, 2005. Amended by Administrative Order 2019-06 effective January 16, 2019.*